



Westmoreland County

IWRP 2020

Model SWM Ordinance



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Westmoreland Conservation District

Municipal Roundtable
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Why an Ordinance? Reclaim our Water Resources!



PA ACT 167!

- The **County** adopted the Integrated Water Resources Plan (IWRP) in 2020 required by the Stormwater Management Act (ACT 167) of 1978
- Each **Municipality** must enact a Stormwater Ordinance consistent with the plan.
- **New Development** should include Storm water management consistent with the plan and the requirements of the municipal ordinance.
- **Municipalities** can use the ordinance to solve issues, answer questions, **help residents**.

Model Stormwater Management Ordinance

- DEP's model ordinance 2022
- Input from WCD Technical Advisory Committee
- Input from local municipal solicitors
- WPAC Comment Response period
- County Resolution
- DEP Review and Comment

WESTMORELAND COUNTY
MODEL STORMWATER MANAGEMENT ORDINANCE
Implementing the Requirements of the Westmoreland County Stormwater Management / Integrated Water Resources Plan

The following Model Ordinance is based on the PADEP 2022 MODEL STORMWATER MANAGEMENT ORDINANCE (5/2016), and was created as part of the Westmoreland County Integrated Water Resources Plan 2020. Its creation was guided by the Watershed Planning Advisory Committee, the Westmoreland Conservation District, the Westmoreland County Department of Planning and Development; adopted by the Westmoreland County Commissioners by Resolution #26-2019; and approved by the PA DEP February 4, 2020.

The Pennsylvania Storm Water Management Act (Act 167 of 1978) requires municipalities to "adopt or amend, and shall implement such ordinances and regulations, including zoning, subdivision and development, building code, and erosion and sedimentation ordinances, as are necessary to regulate development within the Municipality in a manner consistent with the applicable watershed stormwater plan and the provisions of this act". It is expected that by August 31, 2020, each of Westmoreland County's municipalities will adopt a stormwater management ordinance consistent with the principles and standards contained in this Model Stormwater Ordinance.

Federal regulations at 40 CFR § 122.34 require the use of ordinances by small MS4s to address 1) the prohibition of unauthorized non-stormwater discharges (MCM #3), 2) erosion and sediment controls for construction activities involving earth disturbances of one acre or more (or disturbances less than one acre if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more) (MCM #4), and 3) post-construction stormwater management for new development and redevelopment projects (MCM #5). It is expected that MS4 municipalities will update existing ordinances to comply with the requirements of the MS4 program or, at a minimum, enact the DEP 2022 model ordinance by September 30, 2022.

DEP is directed under Act 167 to develop a model stormwater ordinance. DEP's intention in publishing the 2022 Model Stormwater Management Ordinance is that its use will satisfy both Act 167 requirements, and MS4 regulatory requirements.

Text highlighted in [gray] is an indicator where municipalities can tailor the ordinance to their communities, provided it is in compliance with all Commonwealth laws and regulations. Note – use of the Stream Restoration, Riparian Buffers and G/LID requirements may be used toward meeting pollutant load reduction obligations of the NPDES [and MS4] permit if the permittee can demonstrate reductions from the optional practices. It is recommended that the municipal consulting engineer review the ordinance and make technical adjustments to tailor it to the needs of the community.

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Highlights in the DRAFT Model SWM Ordinance

- Release Rate - minimum 80%
- Regulated Development Activity Table (Exemption, No-Harm, Demonstrated Equivalency, Small Project, SWM Plan)
- WCD Review of Submissions related to SWMO
- Fee Schedule to cover municipal costs to administer SWM reviews/inspections/etc



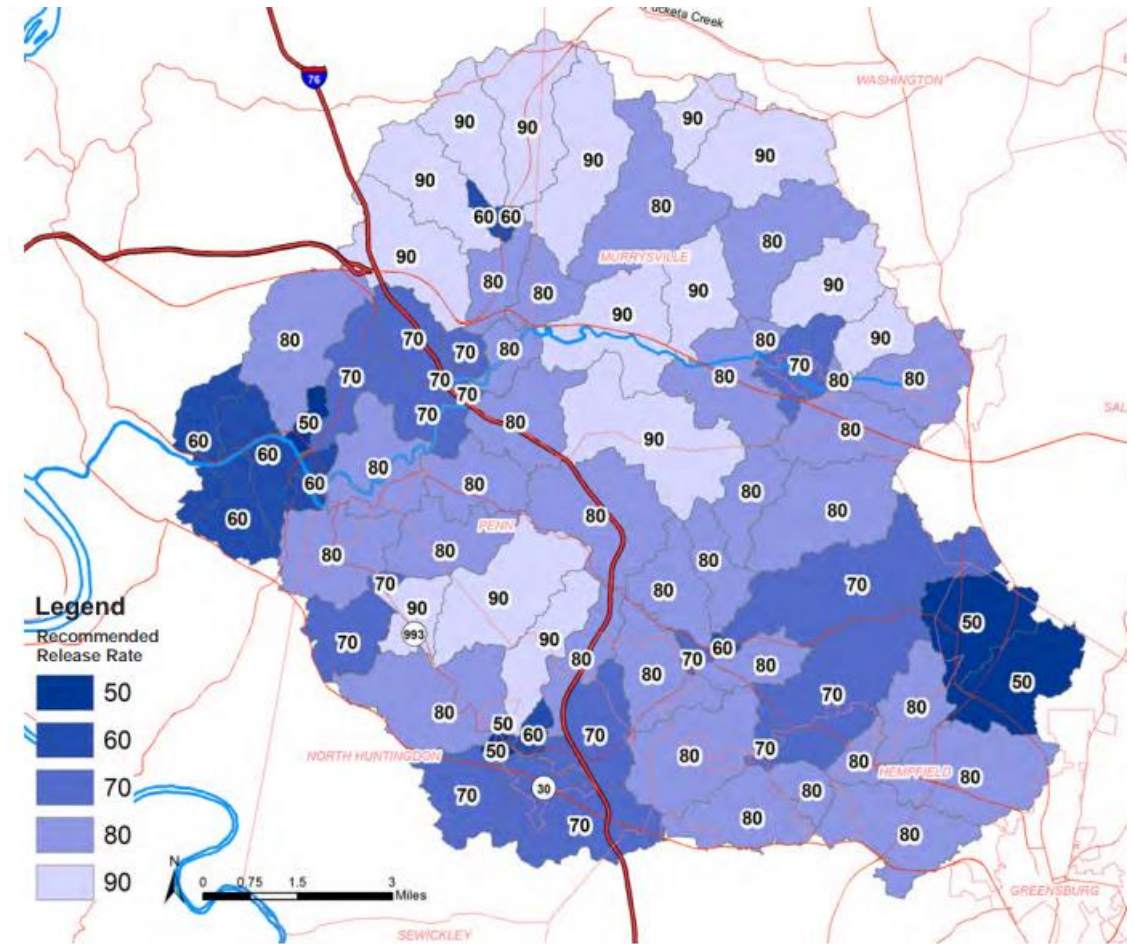
ARTICLE III – SWM Performance Standards

What YOU need to do

- Designate Municipality, Watershed(s), WCD review
- Designate recommended release rate
- Set square footage requirements for Regulated Development Activity Table
 - Exemptions / No-Harm
 - Waivers / Modifications / Demonstrated Equivalency
 - Small Project
- Set Runoff Control Volume (1", 2"), design storm (10-25-50-100yr)
- MS4 requirements, credits
- Fencing for SW BMPs
- Recommended slopes, distances, sizes, etc. for development

Stormwater Performance Districts

- Establish standards for design professionals
- Release Rate, Water Quality Standards
- For more information refer to www.westmorelandstormwater.org
- Although modeling was NOT COMPLETED in some watersheds, an 80% release rate is recommended (factor of safety).



Recommended Release Rates
Turtle Creek Watershed



Flexibility: Tailoring the Model Ordinance

§ 302 Regulated Development Activity Table

WHICH PROJECTS REQUIRE STORMWATER MANAGEMENT?

SWM Plan Requirement	New Impervious Area for New and Redevelopment	Disturbed Area*	Next Steps
Exempt	0	Less than 1 acre	Comply with Exemption section of this ordinance
No-Harm	Up to [1,000] sf for urban [3,000] square feet for suburban/rural areas	Less than [3,000] sf urban [5,000] square feet for suburban / rural areas	Comply with No-Harm section of this ordinance
Waiver / Modification / Demonstrated Equivalency	Less than 1 acre, subject to municipal approval	Less than 1 acre	Comply with Waiver / Modification / Demonstrated Equivalency section of this ordinance
Small Project (per definition), refer to Appendix C	[1,000] [3,000] square feet to [10,000] square feet	[3,000] [5,000] square feet to [20,000] square feet	Submit Small Project Site Plan complete with all attachments
Stormwater Management Plan meeting the Ordinance requirements	Greater than [10,000] square feet if Exempt and Small Project criteria are not met, or if improvements do not meet No-Harm criteria	Greater than [20,000] square feet	Consult a qualified professional

Small Project

Small Project Requirements

- Remove the first 1 or 2 inch of runoff by reuse, evaporation, transpiration, or infiltration (Stormwater BMPs)
- Drain the removed runoff within 72 hours

Determined through Small Projects Stormwater Management Worksheet (Appendix C)

SMALL PROJECT STORMWATER MANAGEMENT WORKSHEET

For Ligonier Township

Project Name: _____ Date: _____

Location: _____

TABLE 1: Determination of Control Volume Requirements:

New Impervious Surface	Area in SF	[1"] storm Multiplier (0.083)	Required Control Volume [1"] in CF
	SF		CF
	SF		CF
	SF		CF
	SF		CF
	SF		CF
	SF		CF

Total Required Control Volume (enter in Table 2): _____ CF

TABLE 2: Determination of Volume Controlled:

Required Control Volume (Table 1)	CF
Non-structural BMP Credit (Table 6)	-
Adjusted Required Control Volume (after credits) (Table 1 – Table 6)	CF
Structural BMP Control Volume (Table 10)	CF
TOTAL Volume Controlled (Table 6 + Table 10)	CF

NOTE: Total Volume Controlled shall be **greater than or equal to** Required Control Volume.

Determining Non-Structural BMP Credit:

TABLE 3: New Tree(s)

New Trees	Volume Control Multiplier	Tree Quantity	Volume Controlled (CF)
Deciduous	6 CF		CF
Evergreen	10 CF		CF

Total Volume Control Credit (new trees) enter in Table 6: _____ CF

TABLE 4: Existing Tree Canopy

Existing Tree Canopy (SF)	Distance of Impervious to Canopy (FT)	Volume Control Multiplier	Volume Controlled (CF)
SF	0 FT to 20 FT	0.0833	CF
SF	20 FT to 100 FT	0.0416	CF

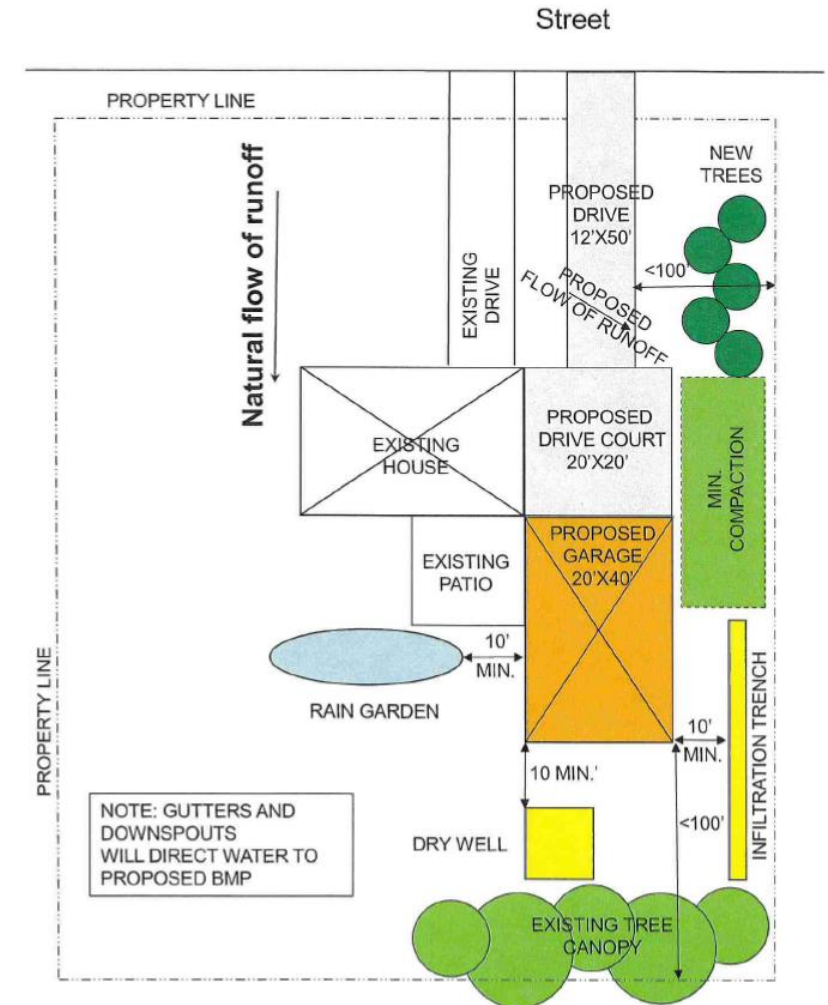
Total Volume Control Credit (ex. trees) enter in Table 6: _____ CF



Flexibility: SWM for Small Project

(as for single family homes)

- **Sites disturbing less than** [SF set by mun.] can be submitted without hiring a professional
- **A Small Project Stormwater Management Plan** must be submitted to the [Municipality] and the Conservation District including:
 - Narrative
 - Stormwater Management Plan
 - Small Project Stormwater Management Worksheet;
 - Signed [acknowledgement] [agreement]
 - Erosion and Sediment Control Plan





ARTICLE V – SWM Plan Submission and Review

What YOU need to do:

- Determine reviewing agencies
 - WCD can provide a 'Letter of Consistency' regarding submissions related to Municipal (Act 167) Stormwater Ordinances for a minimal fee charged to the land developer
- Financial guarantees and agreements



ARTICLE VII – Fees, Financial Guarantees and Dedication

What YOU need to do:

- Statutory authority
- Governing agency
- Set FEES in Appendix to be paid by land developer to Municipality
 - For Application, Exemption, No-harm, Demonstrated Equivalency, Small Project, Stormwater Management Plan, Inspection, Deposit



APPENDICES

What YOU need to do:

- **Appendix A** Stormwater Management Performance Districts (TBD)
- **Appendix B** Example: Operation and Maintenance [Acknowledgment / Agreement]
- **Appendix C** Small Project Stormwater Management Site Plan and Worksheet
- **Appendix D** Stormwater Management Plan Checklist
- [Appendix E No-Harm Project Computation form]
- [Appendix F Fees, Financial Guarantees]



The Steps You Need to Take

- Review **YOUR** ordinance
- Compare it to the **Model Ordinance**
- Identify square footage limits for regulated development
- Identify responsible parties
- Set fees, guarantees
- Determine penalties, appeals





Westmoreland County Model Stormwater Ordinance



Visit it online at

www.westmorelandstormwater.org

OR Contact

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